

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

JERAD PATTERSON,

Plaintiff,

vs.

RODOLFO PATTERSON, et al.,

Defendants.

CV 20-92-M-DLC-KLD

ORDER

Before the Court is the Findings and Recommendation of United States Magistrate Judge Kathleen L. DeSoto. (Doc. 7.) Judge DeSoto recommends that Mr. Patterson's complaints (Docs. 2; 5) be dismissed for failure to state a claim and that this Court certify that any appeal would not be taken in good faith. (Doc. 7 at 2.) Mr. Patterson has not filed any objections.

A party is only entitled to de novo review of those findings to which he or she specifically objects. 28 U.S.C. § 636(b)(1)(C). In the absence of an objection, this Court reviews findings for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error review is “significantly deferential” and exists when the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v.*

Syrax, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error, the Court finds none.

Mr. Patterson filed his complaint on June 25, 2020. (Doc. 2.) The only allegations contained in this document state “Inheritance – Life Insurance, Living Will, Property.” (*Id.* at 4.) At Judge DeSoto’s behest, Mr. Patterson filed a supplemental complaint. (Doc. 5.) The only allegations contained in this document state, “Constitutional Rights GI Bill/Bill of Rights” and “Conduct, Behavior, Treatment, Discipline.” (*Id.* at 3–4.) The Court agrees that neither of these pleadings plausibly state a claim upon which relief can be granted. *See generally Ashcroft v. Iqbal*, 556 U.S. 662, 677–80 (2009); *see also* Fed. R. Civ. P. 8(a)(2). Judge DeSoto invited Mr. Patterson to plead additional facts in support of his claims, but he failed to do so. (Doc. 6.)

Accordingly, IT IS ORDERED that Judge DeSoto’s Findings and Recommendation (Doc. 7) is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Patterson’s complaints (Docs. 2; 5) are DISMISSED with prejudice, for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that the Court certifies, pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure, that any appeal in this matter would not be taken in good faith. Despite several opportunities to cure

existing defects, Mr. Patterson's complaints (Docs. 2; 5) fail to advance claims upon which relief could be granted.

The Clerk of Court is directed to enter, by separate document, judgment in favor of Defendants and against Plaintiff and to close the case file.

DATED this 20th day of October, 2020.



Dana L. Christensen, District Judge
United States District Court